

REMARKS

Claim Status

Claims 1-4 are pending in the present application. No additional claims fee is believed to be due.

Independent claim 1 has been amended to include the features of a predetermined ornamental visual image consisting of a first incomplete image element having a shape, a second incomplete image element having a shape and a third incomplete image element having a shape, wherein the shape of said first and second incomplete image elements differ from the shape of said third incomplete image element. Support for the amendment is found at page 18 line 23 through page 19 line 31 and the figures of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(e) Over Pozniak et al (US 6,045,543)

Claims 1 and 2 have been rejected for reasons of record at pages 2 and 3 of the Office Action dated March 12, 2009. Applicants submit that independent claim 1 has been amended to include the features of a predetermined ornamental visual image consisting of a first incomplete image element having a shape, a second incomplete image element having a shape and a third incomplete image element having a shape, wherein the shape of said first and second incomplete image elements differ from the shape of said third incomplete image element. Applicants submit that this amendment overcomes the rejection. As best understood by Applicants the indicia present on the tabs and front portion of the article disclosed in Pozniak have the same shape (parallel lines).

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Appl. No. 10/664,373
Docket No. 7792C
Amdt. dated June 11, 2009
Reply to Office Action mailed on March 12, 2009
Customer No. 27752

Rejection Under 35 USC §103(a) Over Pozniak et al (US 6,045,543) in view of Fidler
(US 6,243,543)

Claims 3-4 have been rejected under 35 USC §103(a) for reasons of record at page 3 and 4 of the Office Action dated March 12, 2009. For the sake of brevity, Applicants submit that the amendment of independent claim 1 overcomes the rejection of dependent claims 3 and 4 for the same reasons previously discussed.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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